

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
EXPEDITED RCRA SETTLEMENT AGREEMENT**

---

Docket No. RCRA-07-2002-0133

Inspection Date: May 31, 2000

02 JUL -2 AM 10:26  
ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

Arneson Timber Company, Inc. (Respondent), violated the standards applicable to wood treatment facilities pursuant to Section 3005 of the Solid Waste Disposal Act, 42 U.S.C. § 6925, commonly referred to as the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, the regulations at 40 C.F.R. Parts 262 and 265, RSMo 260.390(1) and 10 C.S.R. 25-5.262 as noted on the attached FINDINGS AND ALLEGED VIOLATIONS FORM (Form), which is hereby incorporated by reference.

If the Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Form.

The parties are authorized to enter into this Expedited Settlement under the authority vested in the Administrator of EPA by Section 3008 of RCRA, 42 U.S.C. § 6928. The parties enter into this Expedited Settlement in order to settle the civil violations described in the Form for a penalty of \$10,186.00. This settlement is subject to the following terms and conditions:

EPA finds the Respondent's conduct is subject to Section 3005 of RCRA, as described in that statute and in the regulations found at 40 C.F.R. Parts 262 and 265. The Respondent admits it is subject to Section 3005 and that EPA has jurisdiction over the Respondent and the Respondent's conduct as described in the Form. Respondent does not contest the Findings, and waives any objections it may have to EPA's jurisdiction. Respondent consents to the assessment of the penalty stated above. Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it is subject to the standards applicable to woodtreaters and that the violations alleged in the Form have been corrected.

The Respondent further certifies that a certified check in the amount of \$10,186.00, payable to the "United States Treasury" has been mailed to EPA-Region VII, c/o Mellon Bank, P.O. Box 360748M, Pittsburgh, Pennsylvania 15251, and has noted on the penalty payment check "EPA" and the docket number of this case RCRA-07-2002-0133.

Within thirty (30) days of the effective date of this Agreement, Respondent shall submit to EPA a certification that Respondent is in compliance with the hazardous waste regulations found at 10 C.S.R. Division 25, 40 C.F.R. § 262.34 and 40 C.F.R. Part 265 Subpart W. (An explanation of these regulations can be found in the guidance document, "Wood Preserving Resource Conservation and Recovery Act Compliance Guide", June 1996.) Respondent shall submit this certification to Kevin Snowden, Environmental Scientist, ARTD/RESP, U.S. EPA Region VII, 901 North 5<sup>th</sup> Street, Kansas City, Kansas 66101.

After this Expedited Settlement becomes effective, the certification is submitted to EPA's satisfaction, and the penalty noted above has been paid, EPA will take no further civil action against the Respondent for the specific violations of Section 3005 of RCRA described in the

Form. However, EPA does not waive any rights to take any enforcement action for any other past, present or future violations by the Respondent of Section 3005 of RCRA or of any other federal statute or regulation. By its first signature, EPA ratifies the Findings and Alleged Violations set forth in the Form.

Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008 of RCRA and consents to EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signing below, and effective upon the Regional Judicial Officer's signature.

APPROVED BY EPA:

*for* William A. Spratlin  
Director  
Air, RCRA and Toxics Division

Date: 6/28/02

APPROVED BY RESPONDENT:

Name (print): ARNESON TIMBER CO. LLC.

Title (print): President

Signature: W. Arneson as President

IT IS SO ORDERED:

Karina Borroneo  
~~Robert Patrick~~ Karina Borroneo  
Regional Judicial Officer

Date: July 2, 2002

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
FINDINGS AND ALLEGED VIOLATIONS FORM**

---

Docket No. RCRA-07-2002-0133

Inspection Date: May 31, 2000

Arneson Timber Company, Inc., Steelville, Missouri, (Respondent) was subject to the requirements and found to be in violation of Section 3005 of the Solid Waste Disposal Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984 ("RCRA"), 42 U.S.C. § 6925, and 40 C.F.R. §§ 262.34 and 265. The State of Missouri has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and the State of Missouri has adopted by reference the federal regulations cited herein at Title 10, Code of State Regulations (C.S.R.), Chapter 25 (10 C.S.R. 25). Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA to enforce the provisions of the authorized State program and the regulations promulgated thereunder. The State of Missouri has been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

Arneson Timber Company, Inc., owns and operates a chemical wood treatment facility at 552 Industrial Drive, located in Steelville, Missouri and is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15). On or about March 31, 1983, Respondent notified EPA of hazardous waste activity at its facility as a small quantity generator. The Respondent's facility was assigned EPA identification number MOD059992537. Hazardous waste streams that were generated at the facility at the time of the May 31, 2000, EPA Compliance Evaluation and Sampling Inspection included drip pad drippage, floor sweepings, wood chips, wood pieces, saw dust, dirt, contaminated wastewater, and spent personal protective equipment. These waste streams carry hazardous waste codes of D037, F027, and/or F032.

The regulations at 40 C.F.R. § 262.34, as incorporated by reference at 10 C.S.R. 25-5.262, state that a generator may accumulate hazardous waste on-site for 90 days without a permit or without having interim status, provided conditions listed in 40 C.F.R. § 262.34 are met. A small quantity generator is defined as a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month. A small quantity generator is required to follow the regulatory requirements found at 40 C.F.R. § 262.34(a)(1)(iii) for accumulation of hazardous wastes on a drip pad, which require the facility to remove all wastes from the drip pad every 90 days. Following removal of the hazardous waste from the drip pad, the hazardous waste may be stored at the facility for 180 days or less without a permit or interim status as provided in 40 C.F.R. § 262.34(d). In accordance with 40 C.F.R. § 262.34(e), a small quantity generator that must transport its waste, or offer its waste for transportation, over a distance of 200 miles or more to an off-site treatment, storage or disposal

facility may accumulate hazardous waste on-site for 270 days or less without a permit or interim status provided that the facility complies with the requirements found in 40 C.F.R. § 262.34(d). At the time of the May 31, 2000, RCRA Compliance Evaluation and Sampling Inspection at Respondent's facility, Respondent was found to be in violation of certain conditions set forth in 40 C.F.R. § 262.34, as incorporated by reference at 10 C.S.R. 25-5.262. At the time of the May 31, 2000, inspection, Respondent did not have a permit or interim status to operate a hazardous waste treatment, storage or disposal facility. Pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and RSMo § 260.390(1), it is a violation of RCRA to operate a TSD facility without a permit.

At the time of the May 31, 2000, inspection, Respondent was not in compliance with the following conditions:

**Illegal Storage of Hazardous Waste and Failure to Provide Procedures For and Documentation of Drip Pad Waste Removal:** The requirements of 40 C.F.R.

§ 262.34(a)(1)(iii) state that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status provided that the waste is placed on drip pads and the generator complies with 40 C.F.R. Part 265, Subpart W, and 40 C.F.R. § 262.34(a)(1)(iii)(A) and (B). Respondent has two drip pads at the facility. The regulations found at 40 C.F.R. § 262.34(a) state that drip pad cleaning is to occur each 90 days. Respondent's failure to clean the drip pads every 90 days is a violation of 40 C.F.R. § 262.34(a), as incorporated by reference at 10 C.S.R. 25-5.262. In addition, Respondent failed to provide a description of the procedures that will be followed to ensure that all wastes are removed from the drip pads and associated collection system at least once every 90 days in violation of 40 C.F.R. § 262.34(a)(1)(iii)(A). Further, Respondent failed to provide documentation of each waste removal, including the quantity of waste removed from the drip pads and the sump or collection system and the date and time of removal in violation of 40 C.F.R. § 262.34(a)(1)(iii)(B).

**Illegal Disposal of Hazardous Waste:** Approximately 100 to 300 gallons of the F032 listed hazardous wastewater was generated during steam cleaning of the concrete apron between the two drip pads. Facility personnel disposed this wastewater by spraying it on treated lumber then allowing the wastewater to evaporate. Disposal of PCP contaminated wastewater, which is a hazardous waste, on treated wood is a violation of Section 3005 of RCRA, 42 U.S.C. § 6925, and RSMo § 260.390(1).

**Violations of Drip Pad and Storage Yard Documentation Requirements in 40 C.F.R. Part 265:** The requirements of 40 C.F.R. § 262.34(a)(1)(iii) state that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status provided that the waste is placed on drip pads and the generator complies with 40 C.F.R. Part 265, Subpart W. At the time of the May 31, 2000, inspection it was discovered that Respondent failed to document the date and time of each cleaning and the cleaning procedure used for drip pad cleaning employed at the facility for weekly drip pad inspections in violation of 40 C.F.R. § 265.443(i). In addition, Respondent failed to provide documentation that all treated wood has been left on

the drip pads until drippage has ceased is a violation of 40 C.F.R. § 265.443(k). Lastly, Respondent failed to have a written contingency plan describing procedures to respond to drippage in the facility's storage yard in violation of 40 C.F.R. § 265.440(c).

IN THE MATTER OF Arneson Timber Company, Inc., Respondent  
Docket No. RCRA-07-2002-0133

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited RCRA Settlement Agreement was sent this day in the following manner to the addressees:

Copy hand delivered to  
Attorney for Complainant:

Alyse Stoy  
Assistant Regional Counsel  
Region VII  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Arne Arneson  
Arneson Timber Co., Inc.  
522 Industrial Drive  
Steelville, Missouri 65565

Dated: 7/3/02

A handwritten signature in cursive script that reads "Kathy Robinson". The signature is written in dark ink and is positioned above the printed name and title.

Kathy Robinson  
Regional Hearing Clerk